

Meeting Minutes December 18, 2003

Town of Los Altos Hills City Council Regular Meeting

Thursday, December 18, 2003, 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Breene Kerr and Councilmember Dean Warshawsky (Mayor Cheng departed at 6:50 p.m. Participated in voting on Agenda Items 4.1 and 11.1)
Absent: Councilmember Bob Fenwick
Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Acting City Engineer David Ross, and City Clerk Karen Jost
Press: Tim Seyfert, Los Altos Town Crier and Kaye Ross, San Jose Mercury News

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

Councilmember Warshawsky noted that Sheriff Deputy Pete Evangel was retiring and this would be his final City Council meeting. Warshawsky expressed his gratitude for the outstanding service he had provided to the Town. Council concurred and thanked Deputy Evangel.

2. APPOINTMENTS AND PRESENTATIONS

3. PLANNING COMMISSION REPORT

4. CONSENT CALENDAR

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously, to approve the consent calendar, specifically;

4.1 Approval of Minutes: Regular City Council Meeting December 4, 2003

4.2 Review of Disbursements: 11/24/2003 – 12/05/2003 \$8,530.93

- 4.3 Approval of a Request for a Site Development Permit for Extension: New Residence; Lands of Do; 24018 Oak Knoll Circle
- 4.4 Notification of Fast Track Approval: A Request for a Site Development Permit for a Major Addition/Remodel and Sport Court; Lands of Nagarai, 25769 Elena Road, (51-03-ZP-SD-GD)
- 4.5 Approval of Extension of Agreement with Vavrinek, Trine, Day & Co. for Auditing Services
- 4.6 Rejection of Claim – Lynda Marie Carrol and Wade Langill
- 4.7 Rejection of Claim – Purissima Hills Water District

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Status Report

Councilmember Kerr reported that the New Town Hall project is moving forward and is projected to go to bid in February/March. The Committee is soliciting comment on the proposed layout of the Council Chambers. Councilmember Kerr noted that he expects to return to Council in January with a formal presentation of the Green Energy Program that is intended to enhance the energy efficiency for the new Town Hall facility.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the Committee will be meeting with Godbe Consultants to “kick-off” the Undergrounding telephone survey in early January. The first draft from R. W. Beck consultants is being reviewed by the Committee and Warshawsky expects a deliverable product by the end of January. He expects the report to offer a better understanding of project costs associated with the undergrounding of utilities.

5.1.3 Master Pathway Map – Status Report
Chris Vargas, Pathways Committee Chairman

Council had before them the “Project Plan for the Master Pathway Plan Update Process” prepared by the Pathways Committee. Mayor Cheng noted that that Council would accept the report, however, would agendaize it for consideration and discussion at the January 15, 2004 Regular City Council meeting before the full Council.

Chris Vargas, Pathways Committee Chair, concurred and noted that he would entertain any questions the Council might have regarding his report.

Council discussion ensued. Council agreed that they had concerns with the proposal including the sweeping scope of the plan and that the proposal exceeding the expectations of Council to develop an accurate off-road pathways map. They suggested that the plan, to be successful and supported by the community, should be simple.

Planning Director Cahill offered to work with Vargas. He explained that many of the guidelines could potentially qualify as General Plan amendments and would be incorporated into the General Plan Pathway Element. Staff would like the opportunity to review the guidelines to ensure that they are consistent with the 1996 Element.

Council agreed to schedule this item for the January 15, 2004 City Council Meeting for further discussion and consideration.

5.1.4 Storm Water Master Plan – Status Report

Acting City Engineer David Ross reported that the reported that the final draft of the report is expected to be completed by the end of January. Councilmember Kerr requested that the report include information on drainage at Bullis School/Bullis Park site. Ross noted the request.

5.1.5 Visit to China to Explore Business Opportunities – Status Report

Mayor Cheng introduced Sam Zhang, US-Asia International Exchange Association. Mr. Zhang presented a brief summary of the proposed Los Altos Hills and Silicon Valley Business and Trade Mission Trip to China. Highlights included the itinerary, mission goals, and background descriptions of the cities to be visited. Dates of the excursion are April 16, 2004-April 25, 2004. Participants would be limited to Los Altos Hills residents. Zhang noted that the cities of Milpitas and Sunnyvale have been participants in prior excursions to China sponsored by the US-Asia International Exchange Association.

Mayor Cheng requested that this item be scheduled for the next City Council meeting for consideration by Council.

6. NEW BUSINESS

6.1 Consideration of Appointment of Councilmember(s) to Cable Franchise Negotiating Team

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to appoint Councilmember Fenwick to the Cable Franchise Negotiating Team.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

8. STAFF REPORTS

8.1 City Manager

8.1.1 Vehicle License Fees Update – Administrative Services Director

Administrative Services Director Joiner commented that it has been reported that the Governor had restored the VLF Backfill tonight after 5 pm. She noted that the situation

is really to fluid to make any clear predictions on future funding. Joiner will return to Council in January with a more definitive report.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Endorsement of the Budget Accountability Act/ California League of Women Voters – Mayor Pro Tem O'Malley

Councilmember O'Malley explained that he had been asked by the League of Women Voters to introduce this item to the Council for consideration. He requested that it be continued to the January 15, 2003 City Council meeting to be discussed and considered by the full Council.

9.2 Request from Los Altos School District for Appointment of Council Representative to the District Citizen's Advisory Committee for Finance – Mayor Cheng

Councilmember Kerr suggested that it would be appropriate for the Council to consider appointing a representative that would have a background and familiarity in financial matters. He noted that a citizen representative would probably prevent conflicts of interest that could arise with a Councilmember serving on the Advisory Committee. Councilmember Kerr hoped that Council would consider Doug Ahrens who has expressed an interest in serving on the Advisory Committee. Kerr has met with Ahrens and believes he would be a good representative.

Doug Ahrens, W. Sunset Drive, addressed Council. He has been a resident of the Town for eight years. He is the Executive Director of Finance at Maxim Integrated Products. Ahrens has an MBA from Harvard. He is volunteering for the position and will strive to serve as an unbiased representative.

Council interviewed Ahrens. Mayor O'Malley explained that it is important to represent the Town in a positive manner

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed unanimously to appoint Doug Ahrens to the District Citizen's Advisory Committee for Finance as the representative from Los Altos Hills.

10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, updated the Council on the recent progress made by the Adobe Creek Watershed Collaborative Group and the Santa Clara Valley Water District. He reported that the last meeting had been very productive and included representatives from several regulatory agencies. He expects the proposed project plan to move forward to the District Board in April. Couperus thanked City Manager Cassingham for her support and efforts on the project and attendance at the meetings.

Steve Hubbell, Chairman Public Education Committee, requested that a status report from his Committee be agendaized for the next City Council meeting.

John Harpootlian, Anacapa Drive, informed Council that the sewer problem that he had reported at the last meeting has hopefully been resolved. Harpootlian added, referring to the trip to China, that Council should ensure that if the price of the trip is below market-value rate, it be reported as a gift.

Captain John Hirokawa, Santa Clara County Sheriff's Department, wished the Council and staff Happy Holidays. He introduced Deputy Pete Evangel who is retiring after 30 years of service with the Department.

Deputy Pete Evangel, Santa Clara County Sheriff's Department, addressed Council. He thanked the Council and staff for having the Sheriff's Department as their police force. Evangel began his career with the Town of Los Altos Hills and he will be finishing his career with his tour in the Town. He expressed his appreciation to City Manager Maureen Cassingham for her support and commended her leadership for the Town. He thanked staff and acknowledged that he will miss Los Altos Hills when he retires.

Council thanked Deputy Evangel for his service to the community and wished him well in the future.

11. PUBLIC HEARINGS

11.1 Consideration of Proposed Lease with the Friends of Westwind, Inc. for Westwind Barn and Byrne Pasture

Councilmember Warshawsky stepped down from consideration of this item due to a conflict of interest created by the proximity of his property to Westwind Barn.

City Manager Cassingham introduced this item. Council had before them the proposed lease for Westwind Barn and Byrne Pasture. She explained that both parties desire a new lease with the integration of a pasture agreement. Negotiation participants have included Mayor Pro Tem O'Malley, Cassingham, Dan Alexander and Susan Dunn, representatives from the Friends of Westwind, Jimmy Forbis, Parks and Recreation Supervisor, and Karen Bergh, Parks and Recreation Committee member and Elaine Nelson, on behalf of the Supporters of Westwind. Nelson participated as an observer.

The proposed lease essentially mirrors the current lease with the monetary terms continuing with the stated CPI escalator adjustor for the rent. The notable exception is the term of the lease. Cassingham explained that the Friends had originally requested a

twenty-five year lease but find the proposed terms acceptable. The initial ten year lease can be reviewed by a request of either party and if no review, the lease would automatically renew for another ten years on the applicable third anniversary.

Cassingham called Council's attention to Exhibit C which details references of a service relationship between the Town's Parks and Recreation Department and the Friends that is mutually acceptable to both parties..

OPENED PUBLIC HEARING

Dan Alexander, 27200 Elena Road, Westwind Community Barn Board of Directors, thanked the negotiating committee and staff for their time and efforts. He noted that the rolling lease satisfies their expectations as a tenant. He reported that the Board of Directors had accepted the conditions and language of the lease.

Elaine Nelson, Supporters of Westwind Community Barn, alerted Council to a "fantastic" article in the San Francisco Chronicle on Westwind Community Barn. Nelson added that there may be a minor language modification request forwarded by the Supporters but they are very pleased with the proposed lease.

CLOSED PUBLIC HEARING

Mayor Pro Tem O'Malley thanked City Manager Cassingham and Parks and Recreation Supervisor Jimmy Forbis for their efforts on the lease. He summarized the many valuable services the Friends of Westwind have provided the Town. They have maintained the Barn at no cost to the Town. They have opened the facility to the Pony Club, Los Altos Hills Horseman's Association, Los Altos Hills Parks and Recreation summer camps and the 4H Handicapped-Riding program. The Friends have raised funds of \$50,000 for the lower arena and \$20,000 twice to improve the upper arena and have served as commendable stewards of the Barn. O'Malley is impressed that the negotiating team has been able to come to agreement of terms that are amenable to all parties.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to approve the proposed lease agreement with the minor changes noted to 5.7 Construction Activities, the term of ten (10) years with the three year automatic renewal and the rates as stated that mirror the lease rates.

11.2 Consideration of a Request to Vacate Existing Pathway Elements #1,2,3,4 and Offer to Dedicate Two New Pathway Easements; Lands of Kerns, 11885 and 11888 Francemont Drive

Councilmember Warshawsky requested clarification on why this item is before Council this evening and questioned if it would not be more resourceful and effective to discuss this request at the time that the updated Pathways map is before Council for consideration.

City Attorney Steve Mattas explained that this item had been set for a Public Hearing before Council because the applicant has brought it forward through the Pathways Committee review and the Planning Commission hearing process. Mattas noted that the

applicant is requesting that the item be continued to the January 15, 2003 Regular City Council Meeting.

Planning Director Cahill explained that Council had set the Public Hearing to consider the vacation of the easement by adopting Resolution 91-03 at their November 20, 2003. He noted that Councilmember Warshawsky's questions would be addressed in the staff presentation during the hearing.

OPENED PUBLIC HEARING

Bill Kerns, applicant, 11888 Francemont Road, addressed Council. He explained that he is requesting a continuance because he is closing escrow on the sale of the lower lot. Kerns noted that the pathway easement impacts both parcels and he would like the opportunity to discuss the issue with the buyer. He would also like additional time to meet with the Pathways Committee to resolve the Pathways location issue. Kerns offered to have the Committee meet at his site.

Chris Vargas, Pathways Committee Chair, noted that he would attempt to schedule a Special Meeting of the Committee on the applicants site and would notify the City Clerk in a timely manner to allow the proper noticing.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to continue the Public Hearing on the request to vacate existing pathway elements #1,2,3,4 and offer to dedicate two new pathway easements; Lands of Kerns, 11885 and 11888 Francemont Drive to the January 15, 2004 dependant on the Pathways Chair getting the meeting information to the City Clerk by December 29, 2003.

12. CLOSED SESSION

City Manager Cassingham advised Council that the Town has not received a response from the Purissima Hills Water District to the Council's position letter that was hand delivered to them by her on December 10, 2003.

Council cancelled the Closed Session.

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -

Property: – APN 175-56-3

Agency Negotiators: Maureen Cassingham and Steve Mattas

Negotiating Parties: Town of Los Altos Hills and Purissima Hills Water District

Under Negotiation: Terms and Conditions related to Lease of Property

13. ADJOURNMENT

There being no further business, the Regular City Council Meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the December 18, 2003 Regular City Council Meeting were approved at the January 15, 2004 Regular City Council Meeting.